

Remarks/Arguments:

The specification was objected to as not including a cross-reference to the PCT application of which this application is a National Phase application under 35 U.S.C. §371. Such a cross-reference statement has been inserted into the application immediately after the title. Accordingly, the specification is no longer subject to objection for this reason.

Claims 1, 2, 4, 5, 7, 8, 10 and 11 are pending in the above-identified application. Claims 1, 2, 4, 5, 7, 8, 10 and 11 have been amended. Basis for this amendment may be found in paragraphs [0047] and [0057].

Claims 4, 5, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pingel et al. Applicant respectfully requests reconsideration of this rejection. In particular, Pingel et al. do not disclose or suggest,

a step of pick-up an image of a grid pattern having an array having a bright portion and a dark portion with a constant pitch and a constant width by using an image pickup device including a CCD pixel array and enabling $4n \neq \alpha$ CCD pixels correspond to n grids, where n and α are integers greater than zero and α is less than or equal to $n/10$, thereby generating a moiré fringes, upon pick-up the image of the grid pattern on said image pickup device,

as required by claim 4. Claims 5, 10 and 11 include similar recitations.

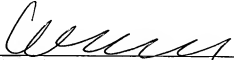
As set forth in the Office Action, Pingel et al. at best describe a device in which α and n are equal. As set forth in claims 4, 5, 10 and 11, α and n are not equal. Indeed, α is limited to be an integer that is less than or equal to $n/10$. This limitation on the relative values of α and n is not supported by Pingel et al. Accordingly, claims 4, 5, 10 and 11 are not subject to rejection under 35 U.S.C. § 102(b) in view of Pingel et al.

Claims 1, 2, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Pingel et al. and further in view of Minato. Applicant respectfully requests reconsideration of this rejection. Claims 1, 2, 7 and 8 include limitations similar to the limitation described above with reference to claim 4. Pingel et al. is described above and does not disclose or suggest this limitation. Minato concerns a method and apparatus for inspecting transparent objects in which a moiré patterned carrier is used to identify the defect. (See col. 4, lines 20-64. The moiré pattern is used only as a reference pattern, Minato does not address the problem addressed by the subject invention. Thus, Minato does not provide the material that is missing from Pingel.

Consequently, claims 1, 3, 7 and 9 are not subject to rejection under 35 U.S.C. § 103(a) in view of Pingel and Minato.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the objection to the specification and the rejection of claims 1, 2, 4, 5, 7, 8, 10 and 11.

Respectfully submitted,


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